

AIR WAR COLLEGE

AIR UNIVERSITY

THE AIR FORCE OFFICER

AND

THE CONSTITUTION

by

Walter L. Isenhour, Col, USAF

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Contents

Certificate.....	ii
Contents	iii
Illustrations	iv
Biography.....	v
Introduction.....	1
The Constitution-to-Officer Line of Responsibility	2
The Oath as Contract	3
The Constitution as Doctrine	3
Officer Candidate Constitutional Education	5
Constitutional Education: Ethical Duty and Moral Obligation	5
Commissioning Sources.....	6
Assessing Constitutional Competence	10
Recommendation: A Constitution Education Curriculum	16
Conclusion	22
Bibliography	23
Appendix.....	26
USCIS Naturalization Test with Answers.....	26
Failed USCIS Test Questions by Score.....	38

Illustrations

Table 1. USCIS Test Questions by Category.....	12
Table 2. Overall USCIS Test Results	13
Table 3. USCIS Test American Government Category Results	14
Table 4. USCIS Test American History Category Results	14
Table 5. USCIS Integrated Civics Category Results	14
Table 6. Select Failed USCIS Test Question Scores	16
Table 7. Specific Recommended Areas of Officer Candidate Constitution Education	20
Table 8. Air Force Officer Training School Course Syllabus, “The U.S. Constitution”	20

Biography

Colonel Walter L. “Ike” Isenhour is an Academic Year 2010 Fellow at the United States Air Force Air War College. The colonel received his commission through the Purdue University Air Force Reserve Officer Training Corps in 1987. He is a career aircraft maintenance officer who has held key positions in the Military Airlift Command, Air Mobility Command, Air Force Materiel Command, United States Air Forces in Europe and Headquarters United States Air Force. He is an Honor Graduate from the Aircraft Maintenance Officer Course at Chanute AFB, IL, and an in-resident graduate of Squadron Officer School and Air Command and Staff College at Maxwell Air Force Base, AL. He holds a Master of Arts degree in Military Arts and Science from Air University, and two Master of Arts degrees from Webster University in International Relations, and Procurement and Acquisition Management.

Introduction

The United States of America is the world's most successful constitutional republic,¹ and it boasts a military that has been subordinate to civilian control since before its inception. Upon taking command and leadership of the various militias comprising the army of independence on 16 June 1775, George Washington reported and was subordinate to the Continental Congress.² Today, as then, officers commissioned by the President of the United States lead enlisted members in the military services. The oath of office, which officers swear or affirm upon being commissioned, binds them to "support and defend the Constitution" to include giving their lives and the lives of those under their command. It logically follows that a robust knowledge of the United States Constitution is the bedrock for commissioned officer service. This essay maps the line of responsibility from the Constitution through the oath to the officer and explains the implications of the oath as a contract. It then demonstrates the need for officers to be educated on the Constitution and explores the adequacy of the education commissioning candidates receive about the Republic's founding document. Finally, it suggests the United States Air Force (USAF) establish a minimum standard mandatory Constitution curriculum across all officer commissioning sources with recommended curriculum topics for inclusion.

¹ DOD, *Armed Forces Officer*, 91.

² McCullough, 1776, 49.

The Constitution-to-Officer Line of Responsibility

The line of responsibility from Constitution to officer begins with its ordination and establishment by the American people “in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, *provide for the common defense*, promote the general Welfare, and secure the Blessings of Liberty...”³ [emphasis added] The Constitution is the construct through which the Declaration of Independence’s God-given rights of “Life, Liberty, and the pursuit of Happiness”⁴ are to be secured. Led by its commissioned officers, the military provides the common defense.

The president, as commander in chief, issues a commission granting each officer authority and defining the officer’s station.⁵ He explicitly “repos[es] special trust and confidence in the patriotism, valor, fidelity and abilities” of the officer, and instructs him to follow orders of “superior officers acting in accordance with the laws of the United States of America.”⁶ Therefore the officer must conform his obedience to orders which are in accordance with US laws, the Constitution foremost. The commission is accepted via the oath:

I, (full name) having been appointed (grade in which appointed), United States Air Force do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter, SO HELP ME GOD. [emphasis in original]⁷

³ Jordan, *U.S. Constitution and Fascinating Facts*,” 31.

⁴ Ibid., 59.

⁵ DOD, *Armed Forces Officer*, iv.

⁶ DOD, *Armed Forces Officer*, 161.

⁷ DAF, “Oath of Office,” 1.

Sworn to and subscribed by the officer, it becomes a contract with the citizens of the United States. Thus the line of responsibility, rooted in the Declaration, runs from the Constitution through the presidential commission via the oath to the officer. How the oath binds the officer to that responsibility must now be addressed.

The Oath as Contract

Upon commissioning, the new officer signs *AF Form 133, Oath of Office*.⁸ It is a legally binding contract with the USAF and the United States Government. *Black's Law Dictionary* defines a contract as:

A legal relationship consisting of the rights and duties of the contracting parties; a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and also the right to seek a remedy for the breach of these duties. Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of obligation.⁹

Herein lays the issue: can a contract be legally binding or morally acceptable if one party is not fully cognizant of its terms? Can the officer be considered a “competent party” who is able to attain “mutuality of agreement” if he is not familiar with the “subject matter”—the Constitution—which he is contracting to support and defend? To answer these questions, the Constitution in the context of doctrine must be examined.

The Constitution as Doctrine

The Airman's guide in the employment of air, space, and cyber forces is doctrine,

⁸ Ibid.

⁹ *Black's Law Dictionary*, 322.

...a statement of officially sanctioned beliefs, warfighting principles, and terminology that describes and guides the proper use of air and space forces in military operations...Doctrine consists of the fundamental principles by which

military forces guide their actions in support of national objectives...

--- Air Force Doctrine Document 1¹⁰

Doctrine codifies what we as a Service have learned over the years in actual practice...[and] is designed to ensure that our leaders have the knowledge and understanding necessary to fight and win.

--- Maj Gen Allen G. Peck, USAF¹¹

The Constitution exhibits all the characteristics of a national doctrine, a statement of the nation's officially sanctioned beliefs, principles, and terminology. It consists of fundamental principles by which government leaders are to organize and guide their actions in support of our national objectives to "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty..."¹² It codifies what the Founding Fathers learned through study of civilization's history and is designed to ensure the success and survival of the United States. It can be defined as:

A statement of officially sanctioned beliefs, principles, and terminology that describes the proper role of government and consists of fundamental principles by which those who govern are to guide their actions in support of our national objectives. It codifies what the Founding Fathers learned over time and is designed to ensure that subsequent leaders retain the fundamental knowledge, understanding, and fidelity necessary to ensure the United States succeeds and endures.

Possessing all the characteristics of doctrine, the Constitution can logically be considered "United States Doctrine Document 1" (USDD-1). The nation's form of government and whether the public enjoys Life, Liberty, and the Pursuit of Happiness, inexorably depend on USDD-1. Its

¹⁰ AFDD 1, 3.

¹¹ Lester, *AU-24*, 393.

¹² Jordan, "U.S. Constitution and Fascinating Facts," 31.

integrity and security from distortion or harm by enemies foreign and domestic are guaranteed by military forces led by presidentially commissioned officers. Just as a solid mastery of Air Force doctrine by those who employ air and space forces is fundamental to battlefield success, a solid mastery of the Constitution—our national doctrine and the “subject matter” of the oath contract—is required for the officers’ oath to be a valid contract. The degree to which an officer can support and defend the Constitution, thereby assuring the success and survival of the Republic, is directly dependent on his mastery of it. It is clear an officer can only complete the oath contract if sufficiently educated in the Constitution to meet the “competent party” and “subject matter” requisites inherent in a valid contract.

Having established the officer’s line of responsibility comes directly from the Constitution which is defended via the officer’s contractual oath, that the Constitution is our national doctrine, and that the oath contract can only be valid if the officer has competent mastery of that doctrine, the importance of and methods used to impart Constitutional competence must be reviewed.

Officer Candidate Constitutional Education

Constitutional Education: Ethical Duty and Moral Obligation

Though all officers receive a copy of the Constitution during commissioning training, few can recall when, or if, they have read the entire Constitution, the legal compact which they are pledged to defend with their lives. Infrequent, at best, are meaningful water cooler conversations about the Constitution among officers. If, as *The Armed Forces Officer* tells us, “there seems to be strong recurrent evidence that members of the larger society harbor an expectation of higher standards of ethical conduct by military professionals than they hold for

themselves”¹³ and “[a]n oath is a moral undertaking,”¹⁴ then is it not an ethical duty to the citizens who entrust the military with their safety and a moral obligation to prospective officers to ensure they have a mastery of the Constitution? After all, to defend something implies preserving it from harm, maintaining its original composition and constitution. Yet to do that, the defender must understand what that original composition is in order to be able to identify events which threaten to change it and against which defense is required.

Major James P. Luke, in an essay on challenges to the officer oath of office, worried that liberal interpretations of the Constitution, the so-called “living nature...Constitution,” would “leave the officer without moorings on which to interpret his responsibilities under the oath.”¹⁵ Dangers to the Constitution can be subtle and hard to detect for those expert in the subject and likely impossible for the ignorant. As James Madison reminds us, “...there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments...than by violent and sudden usurpations.”¹⁶ Here is a practical call for a minimum level of Constitutional competence to arm newly commissioned officers to detect Constitutional perversion or circumvention and act appropriately. As Luke concluded, “Ultimately, should a constitutional crisis...threaten our nation, the officer’s loyalty to the Constitution will be completely dependent on his understanding of that document.”¹⁷

Commissioning Sources

The majority of line Air Force officer candidates receive their commissioning training through the United States Air Force Academy (USAFA), the Air Force Officer Training School (OTS), or Air Force Reserve Officer Training Corps (AFROTC). The four-year in-residence

¹³ DOD, *Armed Forces Officer*, 17.

¹⁴ *Ibid.*, iii.

¹⁵ Luke, “Domestic Challenges,” iv.

¹⁶ Skousen, *The 5000 Year Leap*, 166.

¹⁷ Luke, “Domestic Challenges,” 20.

program conducted by USAFA in Colorado Springs, Colorado is the most intense and in-depth of the three, immersing the cadets full time in the military environment while they earn a bachelor's degree and a commission.¹⁸ OTS is a full-time 12 week in-residence program conducted at Maxwell Air Force Base, Alabama. Civilian or active duty enlisted candidates must have a bachelor's degree prior to entry, and they attend in an enlisted active duty status. Successful completion results in a commission and continued service on active duty.¹⁹ AFROTC is either a 2- or 4-year program at select US colleges and universities where full-time students take college level professional military studies courses in conjunction with a summer field training encampment, culminating in a commission upon graduation.²⁰

Not only is there no minimum standard for Constitution instruction across Air Force commissioning sources, none of the three commissioning sources have a mandatory Constitution-specific course for all officer candidates.²¹ Instead it is addressed in various forms throughout the curricula, most often in terms of the oath of office, officership, or with respect to legal implications, requirements, and limitations on officers' duties and responsibilities. Additionally, there are more courses competing for students' time than there are available hours, and congressionally- or service-mandated areas of instruction tend to crowd out those areas of concentration without an explicit legal mandate, regardless of their level of importance. As the chief of curriculum development for OTS and AFROTC put it, "The core has no advocate" when the curriculum is being balanced to accommodate new requirements.²²

¹⁸ DAF, "US Air Force Academy Admissions," 1.

¹⁹ DAF, "Officer Training Opportunities," 1.

²⁰ DAF, "ROTC Programs & Scholarships," 1.

²¹ Discussions with various curriculum developers and instructors for the three commissioning sources revealed no standard across the three, nor any movement to establish one.

²² Wiggins, interview with author.

At USAFA, the Department of History polled students on basic American history and found a serious deficiency at all levels, prompting discussion of the need for an American History core course. However, finding room in an already fully burdened course load will prove challenging.²³ USAFA did have a core US history course which was removed from the curriculum in the mid-1980s.²⁴ Currently, the department offers various courses which address the Constitution to varying degrees, but none focused solely on it. For example, “The Foundations of Modern America” course includes some study of the Constitution, but it is only required for students majoring in history.²⁵ Similarly, the USAFA Department of Law does cover the Constitution, but from a military legal, not holistic, perspective. The “American Constitutional Law” course topics include the requirements for search warrants and Article 31 hearings, as well as the Fifth Amendment right against self incrimination within the military versus civil society, to name a few.²⁶

The Jeanne M. Holm Center for Officer Accessions and Citizen Development at Maxwell Air Force Base, Alabama develops a master curriculum which is then tailored and badged individually for OTS and AFROTC. Like USAFA, there are no Constitution-specific multi-session courses. Students read the Constitution and a course reader in preparation for a single block of instruction via informal lecture entitled “The U.S. Constitution.” The course is a broad familiarization with the ideas which shaped development of the Declaration of Independence, Articles of Confederation, and Constitution, as well as the principles and provisions of the Constitution. It also addresses the means for amending the Constitution and, if time permits within the *one hour* class, the elements of the Constitution itself, to include

²³ Basler, interview with author.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Durant, interview with author.

the 27 amendments.²⁷ Interestingly, the syllabus reminds the OTS instructor to “impress upon the student that the US Constitution is a *living document* that has enough flexibility built into it to keep up with changing times.”²⁸ [emphasis added] This reiterates the importance of officers knowing and understanding the Constitution in its *original* form, echoing Luke’s worries about the “living nature...Constitution.”²⁹ Additionally, the OTS/AFROTC course entitled “Roles of the President, the Executive Branch, Congress, and Civilian Control of the Military” does delve more deeply into the title’s specifics, but again in the short time span of one hour.³⁰

²⁷ DAF, “Air and Space Studies 400,” 6-1.

²⁸ Ibid., 6-2.

²⁹ Luke, “Domestic Challenges,” iv.

³⁰ DAF, “Air and Space Studies 400,” 7-8.

"Whenever the people are well-informed, they can be trusted with their own government"

—Thomas Jefferson, 1789³¹

Assessing Constitutional Competence

Recognizing there is no Air Force standard for constitutional competence, and realizing officer candidates must possess a solid constitutional competence in order for the oath to be a validly binding contract, the question "What level of constitutional knowledge should be expected of the Air Force officer?" must be answered. For high school or college graduates in the United States, there is no national standard that mandates a minimum level of constitutional competence. In 2004 Congress did establish "Constitution Day" on 17 September of each year and directed the US Department of Education to implement it. It requires that "[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution...for the students served by the educational institution." Educational institutions are provided recommended resources, but no nationwide Constitution Day program is provided, nor does the Education Department endorse any

³¹ Jefferson, "Letter to Richard Price," 1.

particular program. Each individual institution is to develop its own, determining on its own if it met the intent of the law.³² Similarly, there is no Air Force-wide standard for constitutional knowledge for officer candidates.³³

In light of this lack of a national or Air Force educational standard for constitutional knowledge, another measure must be found. Airmen are expected to have a higher Air Force doctrinal knowledge, commensurate with their rank and level of responsibility, than their fellow civilian citizens. Likewise, the United States demands a minimal level of civic competence of those who would pledge an oath to the nation and become naturalized citizens that it does not from resident aliens who retain their foreign citizenship. The *Immigration and Nationality Act* requires “a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States” before applicants for citizenship may be naturalized.³⁴ The United States Customs and Immigration Services’ (USCIS) Naturalization Test implements this requirement. USCIS officers administer 10 questions from a 100-question test bank, requiring six correct answers for a 60% passing score.³⁵ Though not solely Constitution-specific and incorporating a broader exercise in civics knowledge, as the measure of merit for citizenship the test can be considered a de facto national standard for American civics education. And since the goal here is to assess the level of Constitutional competence of new military officers, in the absence of an Air Force-wide standard, it is reasonable to evaluate them using this method.

³² DOE, “Department of Education Legislation,” 1.

³³ Nath, interview with author. Wiggins, interview with author.

³⁴ *Immigration and Naturalization Act of 1952*, 312.

³⁵ DHS, “Civics (History and Government) Questions,” 1.

To explore this expectation, all 100 questions from the USCIS study test bank provided to citizenship aspirants³⁶ were administered to a random sampling of 37 OTS officer trainees (OTs) who had completed the OTS curriculum and were awaiting commissioning.³⁷ Tests were scored against the OTS minimum passing score of 80%³⁸ instead of USCIS's 60%. The reason is clear: American citizens demand a much higher level of constitutional competence from those upon whom they bestow the authority to wield deadly force to defend the Constitution in their name. The shouldering of this sacred, trusted responsibility, the arming of the nation's military by its people, must be matched with a commensurate mastery of the Constitution, for the security of the Republic hangs in the balance. Holding officers to this more rigorous standard galvanizes their ability to fulfill the oath contract.

Breakdown of USCIS 100 Test Questions
American Government (57 questions) Principles of American Government System of Government Rights and Responsibilities
American History (30 questions) Colonial Period and Independence 1800s Recent American History and Other Important Historical Information
Integrated Civics (13 questions) Geography Symbols Holidays

Table 1. USCIS Test Questions by Category

³⁶ Ibid.

³⁷ The USCIS administers the test in an oral format. For the OTs, the questions in fill-in-the-blank format were taken directly from the USCIS (see Appendix). Hard copy tests were provided, with no time limit. 18 OTs had the test proctored by the author on 11 December 2009 and 19 OCs had the test proctored by an OTS instructor on 14 December 2009. In order to preclude additional studying so as to ensure evaluation of the level of Constitutional and civics knowledge possessed upon completion of the OTS curriculum, the OTs received no prior notification of the nature of the meeting or that a test was involved. The author scored all tests. Answers were compared against those cited by USCIS (see appendix). Since the test is fill-in-the-blank, high "gray area" questions were rescored after all tests were reviewed to increase uniformity of subjectivity.

³⁸ DAF, "Basic Officer Training Syllabus," 79.

The questions are broken down by component categories and sub-categories in Table 1 and the complete list of all questions is located in the Appendix. Analyzing all categories overall (Table 2), OTs correctly answered 2,983 of 3,700 questions, or 80.62%, barely over the OTS minimum. On an individual basis, 23 of 37 OTs scored 80% or greater for a 62% student pass rate. In other words, 14 OTs (38%) failed. From a question-centric perspective, only 65 were answered correctly by at least 80% of the OTs.

Overall USCIS Test Results	
Total Questions Passed: 2983 of 3700	Total Questions Pass Percentage: 80.62%
Total OTs Who Passed: 23 of 37	OT Pass Percentage: 62.12%
Questions which 80% of OTs Correctly Answered: 65 of 100	Total Questions Correctly Answered Percentage: 65.00%
Overall Subcategories Passed: 5 of 9	Subcategories Pass Percentage: 55.55%

Table 2. Overall USCIS Test Results

The American Government category constitutes the preponderance of questions which could be considered most central to an officer's constitutional responsibilities. These results (Table 3) were telling: OTs answered 1,652 of 2,109 questions, or 78.33%, correctly, nearly two points below the OTS passing minimum. On an individual basis, only 17 of 37 OTs passed, for a 45.94% student pass rate. Tallying questions individually reveals 35 of 57 questions (61.40%) were answered correctly by 80% of the OTs.

USCIS Test American Government Category Results	
Total Questions Passed: 1652 of 2109	Total Questions Pass Percentage: 78.33%
Total OTs Who Passed: 17 of 37	OT Pass Percentage: 45.94%
Questions which 80% of OTs Correctly Answered: 35 of 57	Total Questions Correctly Answered Percentage: 61.40%
Overall Subcategories Passed: 2 of 3	Subcategories Pass Percentage: 66.66%

Table 3. USCIS Test American Government Category Results

Additionally, a full 30% of the questions assess American History, and USAF's recognition of this importance is embodied in the name The Jeanne M. Holm Center for Officer Accessions and *Citizen Development*. Clearly, America considers her history to be important to her citizens as well as her officer corps.

The category's (Table 4) overall score was nearly a full point below passing, under half garnered a passing score (the same as for American Government), and less than half of the questions were answered at a passing rate.

USCIS Test American History Category Results	
Total Questions Passed: 293 of 370	Total Questions Pass Percentage: 79.19%
Total OTs Who Passed: 17 of 37	OT Pass Percentage: 45.94%
Questions which 80% of OTs Correctly Answered: 13 of 30	Total Questions Correctly Answered Percentage: 43.33%
Overall Subcategories Passed: 1 of 3	Subcategories Pass Percentage: 33.33%

Table 4. USCIS Test American History Category Results

Integrated Civics (Table 5), the smallest category, achieved an impressive overall 97.51% pass rate for 13 questions.

USCIS Test Integrated Civics Category Results	
Total Questions Passed: 469 of 481	Total Questions Pass Percentage: 97.51%
Total OTs Who Passed: 37 of 37	OT Pass Percentage: 100%
Questions which 80% of OTs Correctly Answered: 13 of 13	Total Questions Correctly Answered Percentage: 100%
Overall Subcategories Passed: 3 of 3	Subcategories Pass Percentage: 100%

Table 5. USCIS Integrated Civics Category Results

Using scores in American Government, American History, or both as a surrogate for constitutional knowledge, less than half the OTs possess the knowledge to make their oath contract valid.

Table 6 details select questions with failing scores.³⁹ Every failed Government question

Select Failed (<80%) USCIS Test Questions by Score		
Category	Question	Pass %
History	When was the Constitution written?	5.41%
Government	How many amendments does the Constitution have?	10.81%
History	The Federalist Papers supported the passage of the U.S. Constitution. Name one of the writers.	10.81%
Government	Who is the Chief Justice of the United States now?	18.92%
Government	The House of Representatives has how many voting members?	27.03%
Government	What are two rights in the Declaration of Independence?	37.84%
Government	How many justices are on the Supreme Court?	40.54%
Government	What is the “rule of law”?	48.65%
Government	What are two Cabinet-level positions?	54.05%
Government	If both the President and the Vice President can no longer serve, who becomes President?	56.76%
History	What happened at the Constitutional Convention?	56.76%
History	Who wrote the Declaration of Independence?	62.16%
Government	We elect a U.S. Senator for how many years?	64.86%
Government	We elect a U.S. Representative for how many years?	64.86%
Government	What does the judicial branch do?	64.86%
Government	What is the name of the Speaker of the House of Representatives now?	64.86%
History	Who was President during the Great Depression and World War II?	67.57%
Government	What are two rights of everyone living in the United States?	70.27%
History	When was the Declaration of Independence adopted?	70.27%
Government	How many U.S. Senators are there?	72.97%

³⁹ The entire list is included in the Appendix.

Select Failed (<80%) USCIS Test Questions by Score		
Category	Question	Pass %
Government	Under our Constitution, some powers belong to the states. What is one power of the states?	72.97%
Government	What is the supreme law of the land?	75.68%
History	Who is the “Father of Our Country”?	78.38%

Table 6. Select Failed USCIS Test Question Scores

addresses how government performs, basic organizational structure, historical context, or awareness of key players, all basic tenets of US Constitutional Government. A new officer must understand these elements to recognize threats to the Constitution and be a competent party to the oath contract.

Recommendation: A Constitution Education Curriculum

An Air Force-wide standard for commissioned Air Force officer constitutional and civic education is warranted. A small team of experts from the AF Force Development Council, the AF Learning Council, USAFA’s Political Science, History, and Law departments, and the Holm Center should be chartered to build and implement a comprehensive, mandatory “United States Constitution: American Civics and History” course for all commissionees. Though every portion is integral to the nation’s success, specific sections of the Constitution apply more directly to officer responsibilities. These critical sections (Table 7) should be incorporated into the Holm Center’s “The U.S. Constitution” course (Table 8), with the team chartered to include an appropriate mix of American History within the context of the Constitution.

Critical Constitution Elements		
Location	Officer Applicability	Content ⁴⁰
Preamble	Identifies the Who and Why	“We the People” “provide for the common defense”

⁴⁰ Original grammar retained.

Critical Constitution Elements		
Location	Officer Applicability	Content ⁴⁰
Article I	Bicameral Legislature Organization and Duties	
<i>Section 8, Clause 1</i>	Source for National Defense	“The Congress shall have Power To...provide for the common Defence”
<i>Section 8, Clause 10</i>	Piracy and International Law	“To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations”
<i>Section 8, Clause 11</i>	Declaration of War	“To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water”
<i>Section 9, Clause 2</i>	Restrictions to Americans’ Liberty if Military Fails to Protect Homeland	“The privilege of Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.”
<i>Section 9, Clause 8</i>	Reminder of Republic Ruled by Civilians; All Men Equal; No Profiting from Position	“No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.”
Article II	Executive Branch Organization and Duties	
<i>Section 1, Clause 5</i>	Qualifications of Commander in Chief	“No person except a natural born Citizen...shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty-five Years”
<i>Section 1, Clause 8</i>	Presidential Oath---Affirms Ultimate Loyalty is to the Constitution	“Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:---‘I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.’”

Critical Constitution Elements		
Location	Officer Applicability	Content ⁴⁰
<i>Section 2, Clause 1</i>	President as Commander in Chief	“The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States”
<i>Section 2, Clause 2</i>	Presidential Making of Treaties	“He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provide two-thirds of the Senators present concur
<i>Section 4</i>	All Executive Leaders Subject to Removal	“The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”
Article III	Judicial Branch Organization and Duties	
<i>Section 3, Clause 1</i>	Definition of Treason	“Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”
Article IV	Relation of the States to Each Other and Federal-State Relations	
<i>Section 4</i>	Duty to Protect Each State	“The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion”
Article VI	National Debts and Supremacy of the National Government	

Critical Constitution Elements		
Location	Officer Applicability	Content ⁴⁰
<i>Clause 2</i>	International Treaties Are the Law of the Land ⁴¹	“...all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”
<i>Clause 3</i>	Oaths of All Legislators and Executives---Affirms Ultimate Loyalty is to the Constitution No Religious Test	“The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.”
Amendment I	Freedom of Religion, Speech, and the Press; Rights of Assembly and Petition	“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”
Amendment II	Right to Bear Arms	“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”
Amendment III	Housing of Soldiers	“No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.”

⁴¹ Only officers can exercise command authority and be responsible for committing forces in support of a treaty obligation. It is vital that officers understand that treaties obtain the same authority as the Constitution. As Anthony E. Hartle states in his book *Moral Issues In Military Decision Making*, (pg 125) “The more responsibility a member of the military has, the more stringent becomes the requirement to be fully informed concerning the provision of those treaties and conventions concerning the conduct of war recognized by virtue of the Constitution’s Article VI, Clause 2, which declares those agreements to be the ‘supreme law of the land.’”

Critical Constitution Elements		
Location	Officer Applicability	Content ⁴⁰
Amendment V	Rights in Criminal Cases	“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger”

Table 7. Specific Recommended Areas of Officer Candidate Constitution Education⁴²

Air Force Officer Training School Course Syllabus “The U.S. Constitution”	
<p>A. Ideas and experiences that helped shape the origins of the U.S. Constitution</p> <ol style="list-style-type: none"> 1. Locke’s Philosophical Ideas 2. The Declaration of Independence/Articles of Confederation 3. Shays’ Rebellion 4. The Virginia Plan 5. The New Jersey Plan 6. Hamilton’s Plan 7. The Great Compromise 8. The Federalist Papers 9. Ratification Debate <p>B. The general principles and provisions embodied in the U.S. Constitution</p> <ol style="list-style-type: none"> 1. Federalism 2. Enumerated Powers 3. Separation of Powers and Checks and Balances <p>C. Ways to amend the U.S. Constitution</p> <p>D. The elements of the U.S. Constitution and its amendments</p>	

Table 8. Air Force Officer Training School Course Syllabus, “The U.S. Constitution”

⁴² Jordan, *U.S. Constitution and Fascinating Facts*,” 31-46.

This course would drive each officer candidate to internalize the gravity of the oath and the enduring commitment to remain vigilant and recognize constitutional threats at all times. Challenging testing would ensure the candidates have mastered the Constitution to a threshold that enables them to fulfill their oath of office contract and commitment to the nation.

Conclusion

The Constitution must command a keen, common, standard understanding by commissioned Air Force officers if they are to meet the moral and contractual obligations of the oath of office by which they swear to defend it. Yet its bedrock importance is not reflected in the education we impart to those who would join the officer ranks. This shortfall must be corrected by establishing a common minimum constitutional competency for all commissioning candidates. Air Force leaders have an ethical obligation to our nation and its citizens and a moral imperative to future officers to ensure that they have the best possible understanding of the Constitution so they may fulfill their oath and successfully support and defend the Constitution to the best of their ability. If officers cannot identify and articulate the foundational principles which constitute our nation's founding doctrine, nothing less than the Republic's long-term viability is at stake.

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Appendix

USCIS Naturalization Test with Answers

AMERICAN GOVERNMENT

A: Principles of American Democracy

1. What is the supreme law of the land?

- *the Constitution*

2. What does the Constitution do?

- *sets up the government*
- *defines the government*
- *protects basic rights of Americans*

3. The idea of self-government is in the first three words of the Constitution. What are these words?

- *We the People*

4. What is an amendment?

- *a change (to the Constitution)*
- *an addition (to the Constitution)*

5. What do we call the first ten amendments to the Constitution?

- *the Bill of Rights*

6. What is one right or freedom from the First Amendment?*

- *speech*
- *religion*
- *assembly*
- *press*
- *petition the government*

7. How many amendments does the Constitution have?

- *twenty-seven (27)*

8. What did the Declaration of Independence do?

- *announced our independence (from Great Britain)*
- *declared our independence (from Great Britain)*
- *said that the United States is free (from Great Britain)*

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9. What are two rights in the Declaration of Independence?

- *life*
- *liberty*
- *pursuit of happiness*

10. What is freedom of religion?

- *You can practice any religion, or not practice a religion.*

11. What is the economic system in the United States?*

- *capitalist economy*
- *market economy*

12. What is the “rule of law”?

- *Everyone must follow the law.*
- *Leaders must obey the law.*
- *Government must obey the law.*
- *No one is above the law.*

B: System of Government

13. Name one branch or part of the government.*

- *Congress*
- *legislative*
- *President*
- *executive*
- *the courts*
- *judicial*

14. What stops one branch of government from becoming too powerful?

- *checks and balances*
- *separation of powers*

15. Who is in charge of the executive branch?

- *the President*

16. Who makes federal laws?

- *Congress*
- *Senate and House (of Representatives)*
- *(U.S. or national) legislature*

17. What are the two parts of the U.S. Congress?*

- *the Senate and House (of Representatives)*

18. How many U.S. Senators are there?

- *one hundred (100)*

19. We elect a U.S. Senator for how many years?

- *six (6)*

20. Who is one of your state’s U.S. Senators now?*

▪ *Answers will vary. [District of Columbia residents and residents of U.S. territories should answer that D.C.*

(or the territory where the applicant lives) has no U.S. Senators.]

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may study just the questions that have been marked with an asterisk.

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21. The House of Representatives has how many voting members?

- *four hundred thirty-five (435)*

22. We elect a U.S. Representative for how many years?

- *two (2)*

23. Name your U.S. Representative.

- *Answers will vary. [Residents of territories with nonvoting Delegates or Resident Commissioners may*

provide the name of that Delegate or Commissioner. Also acceptable is any statement that the territory has

no (voting) Representatives in Congress.]

24. Who does a U.S. Senator represent?

- *all people of the state*

25. Why do some states have more Representatives than other states?

- *(because of) the state's population*
- *(because) they have more people*
- *(because) some states have more people*

26. We elect a President for how many years?

- *four (4)*

27. In what month do we vote for President?*

- *November*

28. What is the name of the President of the United States now?*

- *Barack Obama*
- *Obama*

29. What is the name of the Vice President of the United States now?

- *Joseph R. Biden, Jr.*
- *Joe Biden*
- *Biden*

30. If the President can no longer serve, who becomes President?

- *the Vice President*

31. If both the President and the Vice President can no longer serve, who becomes President?

- *the Speaker of the House*

32. Who is the Commander in Chief of the military?

- *the President*

33. Who signs bills to become laws?

- *the President*

34. Who vetoes bills?

- *the President*

35. What does the President's Cabinet do?

- *advises the President*

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36. What are two Cabinet-level positions?

- *Secretary of Agriculture*
- *Secretary of Commerce*
- *Secretary of Defense*
- *Secretary of Education*
- *Secretary of Energy*
- *Secretary of Health and Human Services*
- *Secretary of Homeland Security*
- *Secretary of Housing and Urban Development*
- *Secretary of the Interior*
- *Secretary of Labor*
- *Secretary of State*
- *Secretary of Transportation*
- *Secretary of the Treasury*
- *Secretary of Veterans Affairs*
- *Attorney General*
- *Vice President*

37. What does the judicial branch do?

- *reviews laws*
- *explains laws*
- *resolves disputes (disagreements)*
- *decides if a law goes against the Constitution*

38. What is the highest court in the United States?

- *the Supreme Court*

39. How many justices are on the Supreme Court?

- *nine (9)*

40. Who is the Chief Justice of the United States now?

- *John Roberts (John G. Roberts, Jr.)*

41. Under our Constitution, some powers belong to the federal government. What is one power of the federal government?

- *to print money*
- *to declare war*
- *to create an army*
- *to make treaties*

42. Under our Constitution, some powers belong to the states. What is one power of the states?

- *provide schooling and education*

- *provide protection (police)*
- *provide safety (fire departments)*
- *give a driver's license*
- *approve zoning and land use*

43. Who is the Governor of your state now?

- *Answers will vary. [District of Columbia residents should answer that D.C. does not have a Governor.]*

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44. What is the capital of your state?*

- *Answers will vary. [District of Columbia residents should answer that D.C. is not a state and does not have a capital. Residents of U.S. territories should name the capital of the territory.]*

45. What are the two major political parties in the United States?*

- *Democratic and Republican*

46. What is the political party of the President now?

- *Democratic (Party)*

47. What is the name of the Speaker of the House of Representatives now?

- *(Nancy) Pelosi*

C: Rights and Responsibilities

48. There are four amendments to the Constitution about who can vote. Describe one of them.

- *Citizens eighteen (18) and older (can vote).*
- *You don't have to pay (a poll tax) to vote.*
- *Any citizen can vote. (Women and men can vote.)*
- *A male citizen of any race (can vote).*

49. What is one responsibility that is only for United States citizens?*

- *serve on a jury*
- *vote in a federal election*

50. Name one right only for United States citizens.

- *vote in a federal election*
- *run for federal office*

51. What are two rights of everyone living in the United States?

- *freedom of expression*
- *freedom of speech*
- *freedom of assembly*
- *freedom to petition the government*
- *freedom of worship*
- *the right to bear arms*

52. What do we show loyalty to when we say the Pledge of Allegiance?

- *the United States*
- *the flag*

53. What is one promise you make when you become a United States citizen?

- *give up loyalty to other countries*
- *defend the Constitution and laws of the United States*
- *obey the laws of the United States*
- *serve in the U.S. military (if needed)*
- *serve (do important work for) the nation (if needed)*
- *be loyal to the United States*

54. How old do citizens have to be to vote for President?*

- *eighteen (18) and older*

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55. What are two ways that Americans can participate in their democracy?

- *vote*
- *join a political party*
- *help with a campaign*
- *join a civic group*
- *join a community group*
- *give an elected official your opinion on an issue*
- *call Senators and Representatives*
- *publicly support or oppose an issue or policy*
- *run for office*
- *write to a newspaper*

56. When is the last day you can send in federal income tax forms?*

- *April 15*

57. When must all men register for the Selective Service?

- *at age eighteen (18)*
- *between eighteen (18) and twenty-six (26)*

AMERICAN HISTORY

A: Colonial Period and Independence

58. What is one reason colonists came to America?

- *freedom*
- *political liberty*
- *religious freedom*
- *economic opportunity*
- *practice their religion*
- *escape persecution*

59. Who lived in America before the Europeans arrived?

- *American Indians*
- *Native Americans*

60. What group of people was taken to America and sold as slaves?

- *Africans*
- *people from Africa*

61. Why did the colonists fight the British?

- *because of high taxes (taxation without representation)*
- *because the British army stayed in their houses (boarding, quartering)*
- *because they didn't have self-government*

62. Who wrote the Declaration of Independence?

- *(Thomas) Jefferson*

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63. When was the Declaration of Independence adopted?

- *July 4, 1776*

64. There were 13 original states. Name three.

- *New Hampshire*
- *Massachusetts*
- *Rhode Island*
- *Connecticut*
- *New York*
- *New Jersey*
- *Pennsylvania*
- *Delaware*
- *Maryland*
- *Virginia*
- *North Carolina*
- *South Carolina*
- *Georgia*

65. What happened at the Constitutional Convention?

- *The Constitution was written.*
- *The Founding Fathers wrote the Constitution.*

66. When was the Constitution written?

- *1787*

67. The Federalist Papers supported the passage of the U.S. Constitution. Name one of the writers.

- *(James) Madison*
- *(Alexander) Hamilton*
- *(John) Jay*

- *Publius*

68. What is one thing Benjamin Franklin is famous for?

- *U.S. diplomat*
- *oldest member of the Constitutional Convention*
- *first Postmaster General of the United States*
- *writer of “Poor Richard’s Almanac”*
- *started the first free libraries*

69. Who is the “Father of Our Country”?

- *(George) Washington*

70. Who was the first President?*

- *(George) Washington*

B: 1800s

71. What territory did the United States buy from France in 1803?

- *the Louisiana Territory*
- *Louisiana*

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72. Name one war fought by the United States in the 1800s.

- *War of 1812*
- *Mexican-American War*
- *Civil War*
- *Spanish-American War*

73. Name the U.S. war between the North and the South.

- *the Civil War*
- *the War between the States*

74. Name one problem that led to the Civil War.

- *slavery*
- *economic reasons*
- *states’ rights*

75. What was one important thing that Abraham Lincoln did?*

- *freed the slaves (Emancipation Proclamation)*
- *saved (or preserved) the Union*
- *led the United States during the Civil War*

76. What did the Emancipation Proclamation do?

- *freed the slaves*
- *freed slaves in the Confederacy*
- *freed slaves in the Confederate states*
- *freed slaves in most Southern states*

77. What did Susan B. Anthony do?

- *fought for women’s rights*

- *fought for civil rights*

C: Recent American History and Other Important Historical Information

78. Name one war fought by the United States in the 1900s.*

- *World War I*
- *World War II*
- *Korean War*
- *Vietnam War*
- *(Persian) Gulf War*

79. Who was President during World War I?

- *(Woodrow) Wilson*

80. Who was President during the Great Depression and World War II?

- *(Franklin) Roosevelt*

81. Who did the United States fight in World War II?

- *Japan, Germany, and Italy*

82. Before he was President, Eisenhower was a general. What war was he in?

- *World War II*

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may study just the questions that have been marked with an asterisk.

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83. During the Cold War, what was the main concern of the United States?

- *Communism*

84. What movement tried to end racial discrimination?

- *civil rights (movement)*

85. What did Martin Luther King, Jr. do?*

- *fought for civil rights*
- *worked for equality for all Americans*

86. What major event happened on September 11, 2001, in the United States?

- *Terrorists attacked the United States.*

87. Name one American Indian tribe in the United States.

[USCIS Officers will be supplied with a list of federally recognized American Indian tribes.]

- *Cherokee*
- *Navajo*
- *Sioux*
- *Chippewa*
- *Choctaw*
- *Pueblo*
- *Apache*
- *Iroquois*
- *Creek*
- *Blackfeet*
- *Seminole*

- *Cheyenne*
- *Arawak*
- *Shawnee*
- *Mohegan*
- *Huron*
- *Oneida*
- *Lakota*
- *Crow*
- *Teton*
- *Hopi*
- *Inuit*

INTEGRATED CIVICS

A: Geography

88. Name one of the two longest rivers in the United States.

- *Missouri (River)*
- *Mississippi (River)*

89. What ocean is on the West Coast of the United States?

- *Pacific (Ocean)*

-10-

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90. What ocean is on the East Coast of the United States?

- *Atlantic (Ocean)*

91. Name one U.S. territory.

- *Puerto Rico*
- *U.S. Virgin Islands*
- *American Samoa*
- *Northern Mariana Islands*
- *Guam*

92. Name one state that borders Canada.

- *Maine*
- *New Hampshire*
- *Vermont*
- *New York*
- *Pennsylvania*
- *Ohio*
- *Michigan*
- *Minnesota*
- *North Dakota*
- *Montana*

- *Idaho*
- *Washington*
- *Alaska*

93. Name one state that borders Mexico.

- *California*
- *Arizona*
- *New Mexico*
- *Texas*

94. What is the capital of the United States?*

- *Washington, D.C.*

95. Where is the Statue of Liberty?*

- *New York (Harbor)*
- *Liberty Island*

[Also acceptable are New Jersey, near New York City, and on the Hudson (River).]

B: Symbols

96. Why does the flag have 13 stripes?

- *because there were 13 original colonies*
- *because the stripes represent the original colonies*

97. Why does the flag have 50 stars?*

- *because there is one star for each state*
- *because each star represents a state*
- *because there are 50 states*

-11 -

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98. What is the name of the national anthem?

- *The Star-Spangled Banner*

C: Holidays

99. When do we celebrate Independence Day?*

- *July 4*

100. Name two national U.S. holidays.

- *New Year's Day*
- *Martin Luther King, Jr. Day*
- *Presidents' Day*
- *Memorial Day*
- *Independence Day*
- *Labor Day*
- *Columbus Day*
- *Veterans Day*
- *Thanksgiving*
- *Christmas*

Failed USCIS Test Questions by Score

Failed (<80%) USCIS Test Questions by Score		
Category	Question	Pass %
History	When was the Constitution written?	5.41%
Government	How many amendments does the Constitution have?	10.81%
History	The Federalist Papers supported the passage of the U.S. Constitution. Name one of the writers.	10.81%
Government	Who is the Chief Justice of the United States now?	18.92%
History	Who was President during World War I?	21.62%
Government	The House of Representatives has how many voting members?	27.03%
Government	Name your U.S. Representative.	27.03%
History	What did Susan B. Anthony do?	35.14%
Government	What are two rights in the Declaration of Independence?	37.84%
Government	How many justices are on the Supreme Court?	40.54%
Government	What is the “rule of law”?	48.65%
Government	Who is one of your state’s U.S. Senators now?	51.35%
Government	Who is the Governor of your state now?	51.35%
Government	What are two Cabinet-level positions?	54.05%
Government	If both the President and the Vice President can no longer serve, who becomes President?	56.76%
History	What happened at the Constitutional Convention?	56.76%
History	Before he was President, Eisenhower was a general. What war was he in?	59.46%
History	Who wrote the Declaration of Independence?	62.16%
Government	We elect a U.S. Senator for how many years?	64.86%
Government	We elect a U.S. Representative for how many years?	64.86%
Government	What does the judicial branch do?	64.86%
Government	What is the name of the Speaker of the House of Representatives now?	64.86%
History	Who was President during the Great Depression and World War II?	67.57%
Government	What are two rights of everyone living in the United States?	70.27%

Failed (<80%) USCIS Test Questions by Score		
Category	Question	Pass %
History	When was the Declaration of Independence adopted?	70.27%
Government	How many U.S. Senators are there?	72.97%
Government	Under our Constitution, some powers belong to the states. What is one power of the states?	72.97%
Government	When is the last day you can send in federal income tax forms?	72.97%
History	What is one thing Benjamin Franklin is famous for?	72.97%
Government	What is the supreme law of the land?	75.68%
Government	What is one promise you make when you become a United States citizen?	75.68%
Government	What are two ways that Americans can participate in their democracy?	75.68%
History	What movement tried to end racial discrimination?	75.68%
History	Who is the "Father of Our Country"?	78.38%
History	What territory did the United States buy from France in 1803?	78.38%